

1877-002 Chancery Causes: Daniel D. Martin vs. Christian M. France to  
Lee Co.

CA - Debt



To the Hon: Henry J. Morgan, Judge of the County Court of Lee County,  
the bill of complaint of Daniel D. Martin respectfully represents:

That on the third day of March 1862 one Christian M. France was indebted to your orator in the sum of Two hundred dollars, then due, for which on that day he executed to your orator his note of hand bearing date on the day and year aforesaid, and signed with his own proper name by his own hand, by which he acknowledged himself to <sup>complainant</sup> ~~respondent~~ the said sum of \$200. for value received, & that the said sum of money was then due. The said note is herewith filed as part of this bill, marked (A). Your orator resides in the State of Missouri; and the said France has been for many years leading an unsettled life. Your orator is informed, that William S. Martin, of this County of Lee, is indebted to said France in a considerable sum of money; and the said France is interested in right of his wife in real property in this County of but little value, but your orator is informed & believes, that that real property has been already some time ago, by suits in the Circuit Court of this County, laid hold upon by other & older creditors — so that your orator does not know of any fund out of which he can make said debt but the debt due to France from said Martin. The said France is not a resident of the State of Virginia.

The prayer of your orator therefore is, that the said Christian M. France and William S. Martin be made parties defendant to this bill, and be required to answer the same upon oath; that the said Martin particularly say in his answer how much he is indebted to said France, & whether or not, & when, the same was due, or will be; ~~that he be~~ that the said Martin, untill the future order of the Court, be restrained from paying to said France the whole amount of his said debt, but be required to retain enough in his hands to discharge the said debt due to your orator, & its interest, & the costs of this suit; that upon a final hearing of this cause your honor render a decree in your orator's favor against said France for his debt aforesaid



with interest thereon from the 3<sup>rd</sup> day of March 1862 till paid  
& the costs of this suit, & that the same be paid to him by the said  
Martin out of the debt due from him to said France; And that your  
honor will extend to him such other & general relief as belongs to  
Equity & may be suited to his case. May it please your Honor to grant  
the Committee's writ of Sp'ie directed &c.

Johnston, for capt.



Utah County Court 1874  
" " Court 1875  
Harrow 1875 & 1876 11. 1  
Add for 6 2:56

Barl. D. Martin

in 3 Bill - Chy.

C. M. France 1 al

Note filed.

1872 May, Bill filed, the Expects on  
Left. Wm. Martin & Deere Nisi.  
" June, Deere Nisi, Camp & Conts.  
" July, Aug., & Sept. Continued.  
" Oct., & Nov. continued.  
" Dec. Rules Conts.  
" 1873 1st O. P. vs Left France  
" 2nd O. P. vs Conts for C. P.  
" 3rd O. P. vs Conts for C. P.  
" 4th O. P. vs Conts for C. P.  
" 5th O. P. vs Conts for C. P.  
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" 98th O. P. vs Conts for C. P.  
" 99th O. P. vs Conts for C. P.  
" 100th O. P. vs Conts for C. P.

Sho. cont. 1874



\$2,00,

Due Saml. D. Martin or.  
Order Two Hundred Dollars  
Value received witness my  
hand this 3<sup>rd</sup> day of  
March 1862.

C. M. Francis  
Cove Creek Arkansas.

C. M.

note  
of

(A.)

21



H. S. Morton  
Ans. Answer  
D D Morton

Filed April 4th 1876.  
Jas W Orr, clerk.



Virginia

To The Hon John A Kelly Judge of the  
Circuit Court of Lee County.

The separate answer of W<sup>m</sup> S. Morton  
to the bill filed in this honorable court against  
C. M. France and this respondent by one  
D. D. Morton. This respondent saving the  
right to except to said bill upon its final  
hearing for any error of law or fact that  
it may contain for answer thereto or to  
so much thereof as he is advised it is nec-  
essary for him to answer answers and  
says that it is true he is indebted to said  
C. M. France on which there is a judgment  
rendered in the County Court of Lee County  
but the collection of this judgment has  
been enjoined by your respondent by  
two separate suits, one to secure himself  
as the surety of said France in a refunding  
bond executed by said France to Bay D.  
Morton Adm of Bay Dickinson deceased  
in which your respondent is informed  
and believes that he will sustain heavy  
loss or in other words respondent is in-  
formed that he will be liable on said  
bond for perhaps the full sum that he  
owes to said France The other is to  
enjoin a part of said sum on account  
of a discrepancy in the tract of land which



respondent purchased from said  
Horse and the consideration for  
which respondent contracted the debt  
which he owes to said Horse.  
It is therefore impossible for respondent  
to say whether he is indebted to said  
Horse or not or if indebted how  
much. But respondent is of opinion  
that when said two suits are fully settled  
up - from all the facts in his knowledge  
and from information derived from  
others who are acquainted with the  
circumstances that upon a final  
adjustment he will not owe the  
said Horse anything whatever  
now having answered he prays  
to be hence dismissed with his  
costs

Morrison & Duncan  
for W. S. Martin.

Virginia in County, to wit

This day W. S. Martin personally  
appeared before me J. W. Orr Clerk  
and made oath that the facts stated  
in the above answer so far as they are  
made on his own knowledge are true  
and that so far as they are made on  
the information of others he believes  
them to be true given under my hands  
this 3<sup>rd</sup> day of April 1876.

James W. Orr, Clerk.



Daniel D. Martin

Ptff

vs

By In chancery.

L. M. France et al.

Defts

This cause came on this 4<sup>th</sup> day of December 1877 to be heard upon the bill of the complainant & the answer of W<sup>m</sup> S. Martin, and was argued by counsel, and it appearing to the court that the Defendant L. M. France has been duly summoned & appeared against by publication for more than 30 days before the first day of this term and that he failing to appear plead answer or demur the bill is taken for confessed as to him, and it is ~~indubitable~~ so much to the Plaintiff it is therefore ~~for~~ adjudged ordered and decreed that the Plaintiff recover of the Defendant L. M. France the sum of two hundred dollars with interest from the 3<sup>rd</sup> day of March 1862 till paid, and it further appearing that the defendant William S. Martin is not indebted to said France the bill is dismissed as to him. The Ptff may have execution against said France if desire the same, and the cause is stricken from the docket.



Daniel D. Martin

vs. ~~3~~ Decree

Le M. France et al.

Entered O.B. page

704. R.W. On J. D.C.

Enter this decree

Decr 4<sup>th</sup> 1877

J. A. H.

paid in full the sum of \$200. the amount



Virginia

Lee County Court Clerks office the 19th day of Decr 1872.

This day Peter Johnston personally appeared before the undersigned Clerk of Lee County Court and made oath that C. M. France is a nonresident of the State of Virginia, to the best of his knowledge and belief. Given under my hand the day & year aforesaid.

James W Orr, Clerk.



Daniel D Martin

vs Affiant for O.P.

vs. M. France et al

Filed Dec 19th 1872.

James W Orr, Clk



\$375.00

Six months after date we bind ourselves heirs &c to pay  
Henry J. Morgan for the benefit of Vergin Lodge No 121  
100 F Three hundred and Seventy five dollars with  
interest from date, for value Received with our  
hands and Seals this 30th day of Sep 1870

Albert S. Martin

(Seal)

Saml S. Dickinson

(Seal)

Note on John B. West & Co due Jan 1 - 1871 for \$200.00

Note owing by Preston Lodge Bal Sep 1st 1870 102.82

~~Note on Baker & Son due Oct 1st 1870 100.00~~

Cash on bank note on S. S. Dickinson's hands 72.18

\$375.00



1873 Jan 30th. Credit within note by #183.55  
the sum of two notes on Jm. Whitehead & M. S. Jayne  
together with int on both of said notes to date - said  
notes having been executed to M. D. Richmond by said  
Jayne & Whitehead & by said Richmond assigned to  
Capt D.S. Dickinson & by him to Virginia Lodge No.  
121 S. C. O. Fr.  
John B. West, agent &c.

E. S. Martin & D. S.  
Dickinson

To } note \$375-

W. Morgan

(A. 7)



Virginia

In the clerk's office of the County Court of Lee County, the  
19th day of December 1872.

Daniel D. Martin

Plaintiff

against

C. M. France and Wm S. Martin

Defendants

In Chancery.

The object of this suit is to obtain a decree in favor of the plaintiff against the defendant C. M. France for \$200.00 with interest thereon from the 3rd day of March 1862, till paid, and the costs of this suit, and that the same be paid to him by the said Wm S. Martin out of the debt due from him to said France. And it appearing from an affidavit filed in the cause, that the defendant France is a nonresident of the State of Virginia, he is therefore ordered to appear here within one month after due publication of this order, and do what is necessary to protect his interest in this suit.

A copy

Teste James W. Orr, Clerk.

I James W. Orr Clerk of the County Court of Lee County Virginia do certify that on Monday the first day of the January term 1873 of the County Court of said County, I posted a copy of the above order at the front door of the Court house of said County, this the      day of January 1873.

James W. Orr, Clerk.



Daniel S. Martin

Order of Publication

H. M. France et al

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Copy Mailed to Patriot &  
Herald, Decr 19th 1872.

James W Orr, Clerk



# The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY---GREETING:

WE COMMAND YOU TO SUMMON *C. L. Francis & M. S. Martin*

to appear before the Judge of our County Court of Lee county, at the Court-House <sup>in the Clerk's office, at Rules</sup> on the ..... day of  
to be holden for said Court, on the first Monday in May next, to answer a bill  
in Chancery exhibited in our said Court against them by Daniel S. Martin stand  
indicted for ..... term next, to answer us of certain things whereof

And have then there this writ. Witness, **JAMES W. ORR**, Clerk of our said Court, at the Court-House,  
this *23rd* day of *April*, 1872, in the *7th* year of the  
Commonwealth.

*James W. Orr*, **CLERK.**



[D]

Daniel D Martin

vs ~~3~~ 1/2 pa in Chancery

C. M. France et al

May Rules 1872.

Executed by delivering  
to Messrs Martin &  
others. To office copy  
W. L. Hamilton

Mrs D Martin for Tax



**VIRGINIA:**—In the Clerk's Office of the  
county court of Lee county, the 19th  
day of December, 1872;

Daniel D. Martin .....Plaintiff,  
against

C. M. France and Wm. S. Martin.....Defts  
IN CHANCERY.

The object of this suit is to obtain a decree  
in favor of the plaintiff against the defend-  
ant, C. M. France, for \$20.00, with interest  
thereon from the 3d day of March, 1862, till  
paid, and the costs of this suit, and that the  
same be paid to him by the said Wm. S.  
Martin out of the debt due from him to said  
France.

And it appearing from an affidavit filed in  
the cause, that the defendant, C. M. France,  
is a non-resident of the State of Virginia,  
he is therefore ordered to appear here with-  
in one month after due publication of this  
order, and do what is necessary to protect  
his interest in this suit.

A copy—Teste,

jan2-4w

JAS. W. ORR, Clerk.

*va to Wit: We hereby certify  
that the annexed notice has  
been published in the Marion  
(va) Patriot & Herald for 4 consecutive  
weeks as required by law.*

*Gatwood & Venable  
Feby 13, 1873.*

*Printers fee, \$5.00*